

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OCWEN LOAN SERVICING, LLC,

Plaintiff

v.

CORPOLO AVENUE TRUST, et al.,

Defendants

Case No.: 2:16-cv-02653-APG-NJK

**Order Granting Motion to Set Aside
Default and Default Judgment**

[ECF No. 78]

On January 23, 2020, I granted default judgment against defendants Teal Petals Street Trust and Faissal Ahmead declaring that the property located at 3762 Corpolo Avenue in Las Vegas, Nevada is subject to plaintiff Ocwen Loan Servicing, LLC's deed of trust. ECF No. 76. Judgment was entered the next day. ECF No. 77. Defendants Corpolo Avenue Trust, Teal Petals Street Trust, and Resources Group, LLC now move to set aside the default judgment and related default. ECF No. 78.¹ Ocwen has not opposed the motion. Under Local Rule 7-2(d), "[t]he failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion."

In addition, it appears that the motion is meritorious. Ocwen apparently knew that Michael F. Bohn had represented the defendants in a state court lawsuit over this same property. Yet Ocwen did not notify Mr. Bohn of this federal lawsuit before seeking entry of default and default judgment. ECF No. 78 at 3. And the defendants contend they have valid defenses to Ocwen's claims in this case. *Id.* at 4-7. Thus, setting aside the default judgment is appropriate.

¹ Corpolo Avenue Trust and Resources Group, LLC contend they have an interest in the subject property. ECF No. 78 at 2. Thus, even though they were not named in the order granting default judgment, Ocwen does not argue they lack standing to file this motion.

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3 I THEREFORE ORDER the clerk of the court to reopen this file.

4 I FURTHER ORDER that the defendants' motion to set aside the default and default
5 judgment (**ECF No. 78**) is **GRANTED**. The entries of default against defendants Corpolo
6 Avenue Trust, Resources Group, LLC, and Teal Petal Street Trust (ECF No. 50) and against
7 defendant Faissal Ahmead (ECF No. 53) are set aside. The entry of default judgment (ECF Nos.
8 76, 77) is also set aside.

9 I FURTHER ORDER the parties to submit a proposed discovery plan and scheduling
10 order by July 11, 2022 for Magistrate Judge Koppe's consideration.

11 DATED this 10th day of June, 2022.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE
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